

REMARKS

Claims 40, 46, 48 and 52-54 have been amended. No claims have been added or cancelled in this Reply. Accordingly, claims 40-54 are currently pending.

Restriction Requirement

Applicants note the Examiner's desire to address the Restriction Requirement with his SPE after addressing the 101 and 112 based rejections. As explained below, Applicants have addressed the outstanding 101 and 112 rejections (even as these rejections might be applied to provisionally withdrawn claims) and request the Examiner provide his SPE with Applicant's previous remarks regarding the traversed Restriction Requirement. *See* Response to Non-Final Office Action dated 15 September 2009 (filed 15 January 2010).

Rejections under 35 U.S.C. § 101

The Examiner has rejected claims 52-53 as allegedly being directed to non-statutory subject matter. Applicants have amended claims 52-53 (and withdrawn claim 54) to address the Examiner's rejection. As amended, each of claims 52-53 clearly recites statutory subject matter. Accordingly, Applicants respectfully request the Examiner withdraw this rejection.

Rejections under 35 U.S.C. § 112, 2nd ¶

The Examiner has rejected Claims 40-47 and 52-53 under 35 U.S.C. 2nd ¶ as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner states "[a] word search fails to find" selected words and phrases contained in the claims "in the Detailed Description section of the Application." Office Action dated 14 April 2010. Applicants note that the requirement of 35 U.S.C. § 112, 2nd ¶ is not limited to the Detailed Description because 35 U.S.C. § 112, 2nd ¶ pertains to the Specification as a whole (*See* M.P.E.P. § 608.01(a) referring to 37 C.F.R. 1.77 (b) listing the sections of the Specification defined in paragraphs b(1) through b(12)). Many of the phrases the Examiner contends are not described are in fact described in the "background" and

other sections of Applicant's Specification.

In particular, the Examiner asserts that the term "broadcast" as used in claims 1, 46 and 52-53 does not appear in the Specification. Assignee has amended each of claims 1, 46 and 52-53 to recite, *inter alia*, the "conference sum audio signal provided to" as it appears in multiple places in Applicants Specification. See for example "[t]his DSP provides the summed conference signal to at least one of the other plurality of DSPs" at ¶ 7.

The Examiner also asserts phrases like "audio signal energy," "audio signal magnitude," "noise threshold," and "dynamic threshold value" do not appear in Applicant's "Detailed Description section of the Application." However, each of these terms are clearly known to anyone of ordinary skill in the art and are clearly described at least at p. 8 lns 25-31 of the Specification as filed 16 March 2004. In fact, the phrase "dynamic threshold value" appears explicitly on line 30, the phrase "dynamic speech detection threshold value" appears on line 26, and the explanation of "energy" and "magnitude" as they relate to audio signals are referenced on line 27. Applicants submit that each of the terms used in the claims is easily understood from the context of the Specification as a whole by anyone of ordinary skill in the art. Accordingly, Applicants respectfully request the Examiner withdraw this rejection.

Conclusion

This paper is intended to be a complete response to the above identified Office Action. Applicants believe no fees are due with this Response. However, should any other fees be due, the Office is authorized to deduct this fee and any such other fees from Deposit Account no. 501922 referencing attorney docket number 199-0239US-C. Applicants invite the Examiner to call the undersigned with respect to any questions pertaining to this Response or associated application (832/446-2445).

Respectfully submitted,

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